

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN RUSSELL (# K3887)

PLAINTIFF

v.

No. 4:04CV144-P-A

DR. JOHN BEARRY, ET AL.

DEFENDANTS

FINAL JUDGMENT

In accordance with the memorandum opinion issued today in this cause, the motion by the defendants for summary judgment is hereby **GRANTED**, and the instant case is **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a “strike” under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

SO ORDERED, this the 6th day of March, 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE